

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1, 4, and 6-8 are pending. In the present amendment, Claim 1 is currently amended, Claim 5 is canceled without prejudice or disclaimer, and Claim 8 is added. Support for the present amendment can be found in the original specification, for example, at page 11, line 17 to page 12, line 7, and at page 13, line 3 to page 14, line 12. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 1 and 4-6 were rejected under 35 U.S.C. § 112, second paragraph; and Claims 1 and 4-6 were rejected under 35 U.S.C. § 103(a) as unpatentable over Komatsu et al. (U.S. Patent No. 3,930,041, hereinafter “Komatsu”) in view of Ando (U.S. Patent No. 3,892,874).

First, Applicants wish to thank Primary Examiner Hendricks and Examiner Stulii for the courtesy of an interview granted to Applicants’ representative on May 14, 2008, at which time the outstanding issues in this case were discussed. Based on the discussion during the interview, the following amendments and arguments are presented for the Examiner’s consideration.

In response to the rejection of Claims 1 and 4-6 under 35 U.S.C. § 112, second paragraph, it is noted that amended Claim 1 recites in part “immediately after the boiling the noodles such that steam still adheres to the noodles.” Support for this amendment can be found in the original specification, for example, at page 11, line 17 to page 12, line 7. Thus, it is respectfully submitted that no new matter is added. In view of this amendment to Claim 1, it is believed that all pending claims are definite and no further rejection on that basis is anticipated. However, if the Examiner disagrees, the Examiner is invited to telephone the

undersigned who will be happy to work with the Examiner in a joint effort to derive mutually acceptable language.

Turning now to the rejection under 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of this rejection and traverse this rejection, as discussed below.

Amended Claim 1 recites:

A method for manufacturing frozen or refrigerated half-boiled noodles, comprising:

boiling a measured quantity of beta noodles into a half-boiled state, in which a moisture content of the half-boiled noodles is within a range of 45 to 60 percent as a whole, until outside surfaces of the beta noodles are processed into an outer alpha layer;

packing the half-boiled noodles, immediately after the boiling the noodles such that steam still adheres to the noodles, in a sealed container comprising a food bag made of synthetic resin to hold the half-boiled noodles in a hermetically sealed condition to bring the sealed container into a substantially saturated steamy condition;

slow-cooling the sealed noodles at a slow-cooling speed of 1 to 5°C/min and a slow-cooling time of 15 to 90 minutes until a moisture content of the half-boiled noodles is uniform to permeate moisture from the outer alpha layer of the half-boiled noodles into an inside beta part of the half-boiled noodles; and

preserving the slow-cooled noodles in freezing or refrigerative storage.

The method for manufacturing frozen or refrigerated half-boiled noodles recited in Claim 1 includes slow-cooling the sealed noodles at a slow-cooling speed of 1 to 5°C per minute and a slow-cooling time of 15 to 90 minutes until a moisture content of the half-boiled noodles is uniform. As a result of this slow-cooling, moisture is permeated from an outer alpha layer of the half-boiled noodles into an inside beta part of the half-boiled noodles such

that a moisture content of the half-boiled noodles is uniform.¹ It is respectfully submitted that the cited references do not disclose or suggest every feature recited in amended Claim 1.

Komatsu describes a process for hermitic sealing of heat-sterilizable packaged articles.² In the process described in Komatsu, semi-cooked foods are put into a container, deaeration is carried out to exclude air from the container, and then the container is sealed.³ Further, Komatsu describes that when a packaged article, which can include a semi-cooked noodle therein, is transferred from the heat-sealing step to the overpressure cooling step it is sometimes naturally cooled.⁴

However, it is respectfully submitted that Komatsu does not disclose or suggest “slow-cooling the sealed noodles at a slow-cooling speed of 1 to 5°C/min and a slow-cooling time of 15 to 90 minutes until a moisture content of the half-boiled noodles is uniform,” as recited in amended Claim 1.

Instead, the natural cooling described in Komatsu occurs when the packaged article is transferred from the heat-sealing step to the overpressure cooling step, which takes a total time of 2 seconds in Example 1 described in column 16 of Komatsu. Additionally, after the overpressure cooling step, Komatsu describes that the pouches are subject to overpressure heat sterilization at 121°C for 30 minutes, and then are subjected to an overpressure cooling treatment for an undisclosed amount of time. Thus, Komatsu does not disclose or suggest that the semi-cooked noodles are slow-cooled to permeate moisture therein such that a moisture content of the noodles is uniform. Thus, Komatsu does not disclose or suggest the claimed slow-cooling step.

¹ See the original specification, for example, at page 13, line 3 to page 14, line 12.

² See Komatsu, at column 1, lines 5 and 6.

³ See Komatsu, at column 8, line 20 to column 9, line 31.

⁴ See Komatsu, at column 13, lines 65-68.

Ando describes a method of manufacturing instant-cooking seasoned noodles, which are packaged in a container for the long term storage.⁵ In the method of manufacturing instant-cooking noodles described in Ando, noodles are boiled to gelatinize the noodles, a seasoned liquid kept at 5°C or below is then sprayed on the noodles, and then the noodles are dipped into a hot edible oil at about 145°C for two minutes.⁶ The noodles are then sealed into a container and passed into a cooling chamber.⁷

However, it is respectfully submitted that Ando does not disclose or suggest “slow-cooling the sealed noodles at a slow-cooling speed of 1 to 5°C/min and a slow-cooling time of 15 to 90 minutes until a moisture content of the half-boiled noodles is uniform,” as recited in Claim 1.

Instead, Ando merely describes that the sealed noodles are passed into a cooling chamber, but does not disclose or suggest a slow-cooling speed, a slow-cooling time, or a resulting cooling temperature from the cooling chamber. Further, as explained in column 2, lines 37-41 of Ando, the noodles on the conveyor are passed through an oil heated kettle at a temperature of about 145°C to dehydrate the noodles to a desired water content before they are sealed. Thus, it is respectfully submitted that Ando does not slow-cool the noodles such that a moisture content of the sealed noodles becomes uniform.

Accordingly, it is respectfully submitted that the combination of Komatsu and Ando does not disclose or suggest the claimed slow-cooling recited in Claim 1. Therefore, it is respectfully requested that the rejection of Claim 1, and all claims dependent thereon, as unpatentable over Komatsu in view of Ando be withdrawn.

⁵ See Ando, at column 1, lines 8-10.

⁶ See Ando, at column 3, lines 31-39.

⁷ See Ando, at column 3, lines 41-47.

New Claim 8 is added by the present amendment. Support for new Claim 8 can be found in the original specification, for example, at page 13, lines 3-5. Thus, it is respectfully submitted that no new matter is added.

New Claim 8 depends on Claim 1, and thus is believed to be patentable for at least the reasons discussed above with respect to Claim 1. Further, it is respectfully submitted that the cited references do not disclose or suggest slow-cooling noodles until they reach a temperature of 20°C to 30°C. Accordingly, it is respectfully requested that new Claim 8 be allowed.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

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